

RECEIVED

APR - 2 2008

E-filing

650

M. C. W.

FILED

03 APR - 3 PM 12:56

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NORTHERN DISTRICT OF CALIFORNIA BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §§ 1983

Name Payne Kevin L.
(Last) (First) (Initial)Prisoner Number F-70974Institutional Address San Quentin State Prison
San Quentin, CA. 94974UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAKevin Payne
(Enter the full name of plaintiff in this action.)

CV

08

1786

vs.

Case No. _____
(To be provided by the clerk of court)City of Oakland, Mike Healy
Oakland Police Chief Wayne
Tucker, Sergeant Mullix
and Alameda County
(Enter the full name of the defendant(s) in this action))COMPLAINT UNDER THE
CIVIL RIGHTS ACT,
42 U.S.C. §§ 1983WHA
(PR)

[All questions on this complaint form must be answered in order for your action to proceed.]

I. Exhaustion of Administrative Remedies

[Note: You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement San Quentin State Prison

B. Is there a grievance procedure in this institution?

YES () NO (X)

C. Did you present the facts in your complaint for review through the grievance procedure?

YES () NO (X)

D. If your answer is YES, list the appeal number and the date and result of the

1 appeal at each level of review. If you did not pursue a certain level of appeal,
2 explain why.

3 1. Informal appeal N/A

4
5 2. First
6 formal level N/A

7
8
9 3. Second formal level N/A

10
11 4 Third
12 formal level N/A

13
14
15 E. Is the last level to which you appealed the highest level of appeal available to
16 you?

17 YES () NO ()

18 F. If you did not present your claim for review through the grievance procedure,
19 explain why. After the shooting I went to the hospital, then directly
20 to Santa Rita Co Jail Hospital. I was put in Administrative Segregation
21 Segregation. I had no knowledge of how to file a claim or access to the law library.

22 II. Parties

23 A. Write your name and your present address. Do the same for additional plaintiffs,
24 if any.

25 Kevin Lamont Payne, San Quentin State Prison, San
26 Quentin, CA. 94974.

27
28 B. Write the full name of each defendant, his or her official position, and his or her

place of employment.

Officer Mike Healy, Oakland Police Department
 Chief of Police, Wayne Tucker, Oakland Police Department
 Sergeant Mullix, Oakland Police Department
 City of Oakland and Alameda County.

III.

Statement of Claim

State here as briefly as possible the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

On October 25th, 2005 I WAS Almost Killed when
 Office Mike Healy of the Oakland Police Dept. shot me three
 times, once in the Abdomen and once in both legs. I
 was taken to Highland Hospital in Oakland. I was then
 taken to Santa Rita County Jails Hospital, they then
 told me I was charged with Attempted Murder on a
 police officer. I was then placed in Administrative
 Segregation. At the time of the shooting I WAS unarmed.

IV. Relief

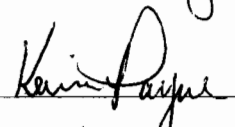
Your complaint cannot go forward unless you request specific relief. State briefly exactly what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

I would like the court to have the defendants pay me in the amount

1 of 7 million dollars, severely AND jointly.
2
3
4
5
6

7 I declare under penalty of perjury that the foregoing is true and correct.
8

9 Signed this 17th day of January, 2008
10

11 
12 (Plaintiff's signature)
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 **INSTRUCTIONS FOR PRISONER'S
4 IN FORMA PAUPERIS APPLICATION**

5 You must submit to the court a completed Prisoner's In Forma Pauperis Application if you
6 are unable to pay the entire filing fee at the time you file your complaint or petition. Your
7 application must include copies of the prisoner trust account statement showing transactions for
8 the last six months and a certificate of funds in prisoner's account, signed by an authorized officer
9 of the institution.

10 **A. Non-habeas Civil Actions**

11 Effective February 7, 2005, the filing fee for any civil action other than a habeas is
12 \$250.00. Even if you are granted leave to proceed in forma pauperis, you must still pay the full
13 amount of the court's filing fee, but the fee will be paid in several installments. 28 U.S.C. § 1915.

14 You must pay an initial partial filing fee of 20 percent of the greater of (a) the average
15 monthly deposits to your account for the 6-month period immediately before the complaint was
16 filed or (b) the average monthly balance in your account for the 6-month period immediately
17 before the complaint was filed. The court will use the information provided on the certificate of
18 funds and the trust account statement to determine the filing fee immediately due and will send
19 instructions to you and the prison trust account office for payment if in forma pauperis status is
20 granted.

21 After the initial partial filing fee is paid, your prison's trust account office will forward to
22 the court each month 20 percent of the most recent month's income to your prison trust account,
23 to the extent the account balance exceeds ten dollars (\$10.00). Monthly payments will be
24 required until the full filing fee is paid. If you have no funds over ten dollars (\$10.00) in your
25 account, you will not be required to pay part of the filing fee that month.

26 **If your application to proceed in forma pauperis is granted, you will be liable for
27 the full \$250.00 filing fee even if your civil action is dismissed. That means the court will
28 continue to collect payments until the entire filing fee is paid. However, if you do not
submit this completed application the action will be dismissed without prejudice and the
filing fee will not be collected.**

B. Habeas Actions

The filing fee for a habeas action is \$5.00. If you are granted leave to proceed in
forma pauperis you will not be required to pay any portion of this fee. If you are not granted
leave to proceed in forma pauperis you must pay the fee in one payment and not in
installments. **If you use a habeas form to file a non-habeas civil action, you will be
required to pay the \$250.00 filing fee applicable to all non-habeas civil actions.**

Kevin L. Payne Sr.
Q.S.P.
-70974
San Quentin, CA
94964

SAN QUENTIN STATE PRISON

Att: Clerk of the United States District Ct.
for Northern District of California,
450 Golden Gate Ave, Box 36060
San Francisco, CA

94964

94964

